

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HERMÈS INTERNATIONAL and
HERMÈS OF PARIS, INC.,

Plaintiffs,

v.

MASON ROTHSCHILD,

Defendant.

No. 22-cv-00384-JSR

ECF Case

**DECLARATION OF MASON
ROTHSCHILD**

I, MASON ROTHSCHILD, hereby declare as follows:

1. I am an artist, entrepreneur, business owner, and the defendant in this case.
2. I submit this declaration in support of my Motion for Summary Judgment based on my personal knowledge of the facts and statements contained herein.
3. My legal name is Sonny Estival, though I have been personally and professionally known as Mason Rothschild for over 10 years. I am in the process of changing my legal name to Mason Rothschild.
4. I am the Chief Marketing Officer and an owner and co-founder of Terminal 27 in Los Angeles, California. Terminal 27 is a concept store that functions as a luxury boutique as well as a creative workshop and event space, where designers from fashion, music, technology, architecture, and food circles can offer a wide range of exclusive services and innovative sensory and audiovisual experiences.
5. I also am an artist and have created both physical and digital artistic works.

6. For instance, in 2015, I created and sold a collection of t-shirts titled *The Art School Dropout* as an artistic commentary on the ugly and unappealing designs on merchandise sold by venerated art schools at the time. One of the art schools that was the subject of that project actually liked my work and hired me to design merchandise for it.

7. In 2021, I began creating digital art linked to non-fungible tokens, or NFTs. For my first such project, I produced a digital image of a chair linked to an NFT, which sold for the equivalent of approximately \$4,000 at that time.

8. Around May 2021, I produced a digital animation titled *Baby Birkin*, which was linked to an NFT and depicted a 40-week-old fetus gestating inside a transparent Birkin handbag. *Baby Birkin* initially sold for the equivalent of approximately \$23,500 at that time. *Baby Birkin* later resold for the equivalent of approximately \$47,000 at the time of sale.

9. The response to *Baby Birkin* inspired me to create the art project at issue in this case, which came to be called *MetaBirkins*. In December 2021, I produced and sold a collection of 100 two-dimensional, static digital images titled *MetaBirkins* and linked to NFTs. My *MetaBirkins* artworks depict imaginary Birkin handbags entirely covered (including the handle) in cartoonish fur, with some of the images also incorporating other artistic elements, such as Da Vinci's *Mona Lisa (La Joconde)* or van Gogh's *The Starry Night*. I have never seen an actual Birkin entirely covered in fur, and as far as I am aware Hermès has never marketed or sold one.

10. The *MetaBirkins* images are both a fanciful tribute to the Birkin bag, which has become a cultural object signifying extreme wealth, and a reference to the fashion industry's recent fur-free initiatives.

11. My *MetaBirkins* project as a whole was an artistic experiment to explore where the value in the Birkin handbag actually lies—in the handcrafted physical object, or in the image

it projects? I used NFTs to sell and distribute the artworks to see what kind of value the culture would ascribe to playful representations of imaginary Birkin bags.

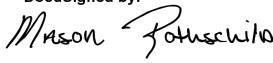
12. I chose the title *MetaBirkins* for the project and images in part because the images depict imaginary Birkin bags and in part because the project was meant to be a “meta” inquiry into the nature of the Birkin bag as a revered cultural object in our luxury-obsessed world.

13. I had no intention or desire for Hermès to be credited for my *Baby Birkin* or *MetaBirkins* artworks. In promoting *MetaBirkins*, I never made any statements attributing *MetaBirkins* to Hermès or claiming any affiliation with Hermès. On the contrary, when I saw that some press articles were published that mistakenly attributed my *MetaBirkins* artworks to Hermès, my press agent or I immediately reached out to ask for a correction.

14. Following publication of those mistaken articles and receipt of a cease-and-desist letter from Hermès, I also added a disclaimer on the www.metabirkins.com website to make clear that my *MetaBirkins* project was in no way affiliated with Hermès. I did this to avoid any possible misunderstanding and because I never wanted or intended to benefit from any confusion as to the source of the *MetaBirkins* images or NFTs.

15. I declare under penalty of perjury that the foregoing is accurate to the best of my knowledge.

Dated: October 6, 2022
Los Angeles, California

DocuSigned by:

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Sonny Estival p/k/a Mason Rothschild